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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/696,708	10/30/2003	Mark T. Keating	2323-164

6449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

CONFIRMATION NO. 7822

WITHDRAWAL NOTICE



OC000000013752720

COPY

Date Mailed: 09/08/2004

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 01/12/2004 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

RECEIVED/FACILITIES
ROTHWELL FIGG ERNST & MANBECK
FILE NO.: 2323-164
FAC PROC. INIT.

SEP 10 2004

NDL

DKT ENTRY INIT: _____
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Ryan
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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April 14, 2004

PCT/DO/EO Routing Sheet
APPLICATION SERIAL NUMBER

APPL S/N

**APPLICATION TO BE
DELIVERED TO:**

PCT / DO / EO

(CP2 - 8C13)

LOCA 5610

Sequence Rule Compliance Review Item

X	CRF, paper copy of sequence listing, and statement that both are same missing
	CRF contains error(s) according to STIC Report
	CRF damaged or unreadable according to STIC Report
	CRF transferred from prior application is not compliant

Place an "X" in the appropriate box


REMY YUCEL, PH.D

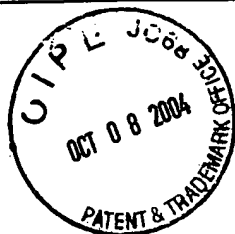
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APPLICATION NO. 10/696708	FILING DATE 10/30/03	FIRST NAMED INVENTOR Keating	ATTORNEY DOCKET NO. 2323-164
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EXAMINER

Qian

ART UNIT	PAPER
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1636

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Sequences are disclosed in the specification and/or figures that are not identified by their sequence identifier (i.e., SEQ ID NO:). The nucleic acid sequence disclosed in Figure 121 does not have a sequence identifier. Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures and that each sequence disclosed in the specification must be identified by its sequence identifier (i.e., SEQ ID NO:). The specification must be amended to identify all disclosed sequences by their sequence identifier (i.e., SEQ ID NO), in accordance with 37 CFR 1.821(d).

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Celine Qian whose telephone number is 571-272-0777. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Irem Yucel whose telephone number is (571) 272-0781. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Notice to Comply

Application No.

10/696708

Examiner

Celine Qian

Applicant(s)

Keating

Art Unit

1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The sequence in Figure 121 does not have a sequence identifier.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

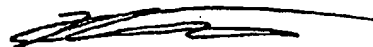
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6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

CONFIRMATION NO. 7822

FORMALITIES LETTER



OC000000013752760

COPY

Date Mailed: 09/08/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821-1.825. The application must be in sequence compliance before examination on the merits.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

See the attachment.

Applicant Must Provide as part of the response:

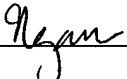
- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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Alexandria VA 22313-1450

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

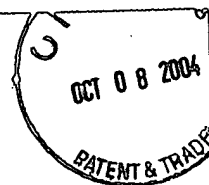
THE PATENT OFFICE'S STAMP HEREON IS ACKNOWLEDGEMENT BY IT
OF RECEIPT OF THE FOLLOWING DOCUMENT(S):

Applicant/Inventor: Mark T. KEATING et al.

Filed/Issued: 30 October 2003

For: Mutations in and Genomic Structure of HERG - a Long QT Syndrome Gene

Atty Docket: 2323-164



DOCUMENT(S):

COPY

CONTINUATION APPLICATION, including

Cover transmittal letter

Fee letter (in duplicate), charging fee to Deposit Acct.

ADS (2 pages)

Specification (92 pages, including 4 claims and abstract page)

Sequence Listing (34 pages)

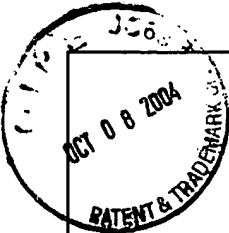
Formal Drawings (21 pgs, 15 figures)

1.821 Statement and sequence diskette



JLI:ch

17 of 27



IPW
(BOX seg)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Complete if Known	
Application Number	10/696,708
Filing Date	October 30, 2003
First Named Inventor	KEATING, et al.
Examiner Name	
Group Art Unit	1636
Total Number of Pages in This Submission	Attorney Docket Number 2323-164

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Communication Concerning Sequence Listing and Diskette | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <ul style="list-style-type: none">• Preliminary Amendment• Notice to Comply (copy)• Sequence Listing (copy)• Statement Pursuant to 37 CFR 821(f) (copy)• Postcard Receipt (copy)• Withdrawal of Previously Sent Notice (copy) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS:

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Jeffrey L. Ihnen, Reg. No. 28,957				
SIGNATURE		DATE	October 8, 2004	DEPOSIT ACCOUNT USER ID 02-2135	

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